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Attorneys for Defendant STEVEN J. WEAVER

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

EDWARD T. BERGO as CHAIRMAN and
KARL BIK as CO-CHAIRMAN of the
BOARD OF TRUSTEES FOR THE CEMENT
MASONS HEALTH AND WELFARE TRUST
FUND FOR NORTHERN CALIFORNIA;
CEMENT MASONS VACATION/HOLIDAY
TRUST FUND FOR NORTHERN
CALIFORNIA; CEMENT MASONS
PENSION TRUST FUND FOR NORTHERN
CALIFORNIA; and CEMENT MASONS
APPRENTICESHIP AND TRAINING TRUST
FUND FOR NORTHERN CALIFORNIA,

Plaintiffs,

vs.

S. J. WEAVER CONTRACTING, INC., a
California corporation; and STEVEN J.
WEAVER, an Individual,

Defendant.

CASE NO. C-04-4723 SI
Assigned to Hon. Susan Illston for all
purposes.

**JOINT STIPULATION TO CONTINUE
DEADLINE FOR FILING REVISED
DECLARATION OF COUNSEL IN
SUPPORT OF MOTION FOR
ATTORNEYS' FEES AND RULE 11
SANCTIONS; [PROPOSED] ORDER
THEREON**

OLD DATE: October 6, 2006
TIME: 9:00 a.m.
DEPT: 10, 19th Floor

Complaint Filed: 11/04/04
Judgment Entered: 08/09/06

Pursuant to Local Rules 7-1 and 7-2 of the United States District Court for the Northern
District of California, IT IS HEREBY STIPULATED by and between Plaintiffs EDWARD T.
BERGO as CHAIRMAN and KARL BIK as CO-CHAIRMAN of the BOARD OF TRUSTEES
FOR THE CEMENT MASONS HEALTH AND WELFARE TRUST FUND FOR NORTHERN
CALIFORNIA; CEMENT MASONS VACATION/HOLIDAY TRUST FUND FOR
NORTHERN CALIFORNIA; CEMENT MASONS PENSION TRUST FUND FOR

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NORTHERN CALIFORNIA; and CEMENT MASONS APPRENTICESHIP AND TRAINING TRUST FUND FOR NORTHERN CALIFORNIA (“Plaintiffs”) through the law offices of Stanton, Kay & Watson, by James P. Watson, their attorney of record, and Defendant STEVEN J. WEAVER (“Defendants”) through the law offices of Atkinson, Andelson, Loya, Ruud & Romo, by Thomas W. Kovacich, his attorney of record, to the following:

1. WHEREAS, the Court entered judgment for Weaver on August 9, 2006;
2. WHEREAS, Weaver filed his Motion for Attorneys’ Fees and Rule 11 Sanctions (the “Motion”) in this matter on August 23, 2006, which is currently set for hearing on October 6, 2006 at 9:00 a.m.;
3. WHEREAS, Plaintiffs filed their Notice of Appeal (the “Appeal”) of this matter on September 7, 2006;
4. WHEREAS, on October 3, 2006, the Court issued its order granting Weaver’s Motion in part and denying it in other part as well as vacating the hearing scheduled for October 6, 2006;
5. WHEREAS, the Court’s October 3, 2006 order required that Weaver’s counsel submit a supplemental declaration of counsel to conform to said order’s requirements on or before October 13, 2006;
6. WHEREAS, the parties have tentatively agreed to settle their respective disputes and to entered into full and complete mutual releases, to dismiss this action in its entirety with prejudice, including Weaver’s Motion for Attorneys’ Fees and Plaintiffs’ Appeal;
7. WHEREAS, the parties need additional time to prepare appropriate settlement documents and dismiss this action, Weaver’s Motion, and Plaintiffs’ Appeal;
8. WHEREAS, a continuance of approximately thirty (30) days from the October 13, 2006 deadline for Weaver’s counsel to submit the supplemental declaration of counsel requested by the Court’s October 3, 2006 order is required in order to allow the parties to finalize the settlement documents and file the dismissals, thereby conserving time and expenses for the Court and parties.

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The deadline for the filing of the supplemental declaration of Weaver's counsel in support of Weaver's motion for attorneys' fees, currently due on or before October 13, 2006, should be continued to November 13, 2006.

STANTON, KAY & WATSON

DATED: October 6, 2006

By: /s/
Thomas W. Kovacich
Attorneys for Defendants STEVEN J. WEAVER

Having read the above set forth Stipulation and good cause appearing therefore:

The deadline for the filing of the supplemental declaration of Weaver's counsel in support of Weaver's Motion for Attorneys' Fees, currently due on or before October 13, 2006, shall be continued to November 13, 2006.

DATED: _____

Susan Hinton

HON. SUSAN ILSTON
UNITED STATES DISTRICT JUDGE